

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 567

House Bill No. 273*

by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 34-11-113, is amended by inserting the following new subsections immediately after subsection (a) and renumbering the existing subsection accordingly:

(b) Upon approval by the court, either prior to or after payment, the fiduciary may also pay such other amounts from the property of the minor or disabled person that are reasonable considering all relevant factors, are incurred by the fiduciary in good faith on behalf of the minor or disabled person, and are intended to benefit or protect the minor or disabled person or his or her property, whether or not an actual benefit or protection is ultimately in fact attained. Such requests and/or payments shall be reviewed by the court pursuant to fiduciary standards.

(c) All other expenses, including those that do not comply with the requirements of subsection (b), may be approved by the court, either prior to or after payment, upon a determination that they are reasonable and (i) they protected or benefited the minor or disabled person or his or her property or (ii) that their payment is in the best interest of the minor or disabled person.

(d) For purposes of subsection (a), attorneys' fees shall include fees for preparing fiduciary fee applications and other related filings that are required to be submitted to the court including petitions to secure approval or reimbursement for any expenses paid by the fiduciary which meet the requirements of this

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section, provided that the amount of such fees are determined by the court to be reasonable in view of the services rendered.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to all appropriate expenditures incurred for the benefit of a minor or disabled person relative to guardianships created before, on or after such effective date.

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